

HOUSE OF ASSEMBLY.

Wednesday, November 14, 1951.

The SPEAKER (Hon. Sir Robert Nicholls) took the Chair at 2 p.m. and read prayers.

FEED WHEAT PRICE.

Mr. O'HALLORAN—Some time ago the Minister of Agriculture attended a conference at which he agreed with the Commonwealth Minister that the price of feed wheat should be raised to 16s. 1d. a bushel, but I understand that the other five States refused to accept the Commonwealth proposal. Can the Minister inform the House the present position and if the matter is likely to be finalized in the near future?

The Hon. Sir GEORGE JENKINS—I have heard nothing further from the Commonwealth Minister in regard to the matter. The position of South Australia is as it was: we have agreed to the proposed increase. Whether any of the other States have agreed or are likely to agree I have no information. I suggest that the Commonwealth Government has a great deal of power in the matter, and if it passes legislation and it is necessary for South Australia to pass complementary legislation and there is time for it to be done this session, this Government will be prepared to pass it.

Mr. HEASLIP—Seeing that the session has almost ended and that normally Parliament will not re-assemble until the middle of next year, will the Government consider the introduction this session of the necessary legislation, which could be proclaimed later should the other States change their attitudes and be prepared to increase the stock feed wheat price?

The Hon. Sir GEORGE JENKINS—Until the Commonwealth Government indicates its views on this matter and the nature of the legislation it intends to introduce it will be of no use my assuming the Commonwealth will bring down legislation on certain lines. We cannot frame legislation by imagining that the Commonwealth Government will do certain things. If I get an intimation from the Commonwealth Ministry that the Commonwealth Government is introducing legislation and what its nature is, so that I will know how far it is necessary, if at all, for the State to go to implement it, I will be prepared to give the matter immediate consideration. I assure members that any communications from the Commonwealth on this matter will be considered by Cabinet.

Mr. STOTT—Has the Minister of Agriculture received information to the effect that a

conference on this question will be held in Melbourne next Monday by the Commonwealth Minister for Commerce and Agriculture and State Ministers of Agriculture? Can the Minister say whether he has any reason to believe that some other State Governments will fall into line with the South Australian and Commonwealth Governments and, if so, will he consider getting in touch with the recalcitrant States and urge them to fall into line with South Australia and the Commonwealth because of the urgency and the far-reaching consequences of wheat not being available for stock feed purposes?

The Hon. Sir GEORGE JENKINS—I have had no intimation from the Commonwealth Minister for Commerce and Agriculture that such a conference is to be held. I do not know where the honourable member got his information, but I assume that the Commonwealth Minister, had he decided to call a conference, would have immediately communicated with the Ministers in the various States, probably by telegram. I do not think I am called upon to circularize the other Ministers in the various States, but I will use my most persuasive eloquence if we do meet in due course, and hope for the best.

ABATTOIRS DISPUTE.

Mr. MICHAEL—According to a report in the *News* this afternoon a very serious position has arisen at the Abattoirs in connection with the dispute there. The report states that the men have been dismissed because of their attitude. Can the Minister of Agriculture make a statement on the position, particularly in regard to getting stock to the Abattoirs to be slaughtered, and whether it will be possible for butchers to get meat which has already been slaughtered at the Abattoirs, to be made available to those needing it?

The Hon. Sir GEORGE JENKINS—I received the following communication from the chairman of the Abattoirs Board this morning:—

In consequence of their failure to perform a full day's work on Tuesday, November 13, 1951, all slaughtermen, drovers, slaughtermen's labourers, offal floor, and chilling room employees have been dismissed from the board's service.

Following on that, I ask leave to read a statement which has been supplied to me by the chairman of the board on this matter.

Leave granted.

The Hon. Sir GEORGE JENKINS—The statement is as follows:—

Since the previous strike at the Abattoirs, work has been carried on under agreements between the Abattoirs Board and the union, covering periods of 12 months. These agreements which pegged wages and conditions (apart from automatic basic wage cost of living adjustments) were observed by the union, and the board have expressed their appreciation to officials of the union. On the expiration of the latest agreement, the union asked for many additional concessions, with two main items:—

An increase of 15 per cent on all margins.

Three weeks' annual leave after five years' service, instead of the existing two weeks for all employees working under Part 2 of the Wages Board Determination. (These employees comprise all except officers.)

The union was told by the chairman at a round table conference that he was not prepared to recommend any concessions which would add to the cost of running the Abattoirs. To meet increased costs for wages and stores, the board had been compelled to increase treatment fees, and was still having difficulty in balancing the budget. In addition, from August 2, 1950, to August 2, 1951, wages had been increased through automatic adjustments by £2 13s. per week, and on November 7, a further increase was gazetted of 11s. per week—a total of £3 4s.

The union at later conferences reduced their demands, but the board refused to depart from their original decision, and referred the union to the Wages Board, the statutory authority. The Wages Board awarded mutton slaughtermen approximately 6s. per week additional piecework rate, but refused to increase any other margins, nor would the chairman grant the employees working under Part 2 of the determination three weeks' leave. Soon after this decision the union commenced irritation tactics and declared an overtime ban.

On November 6 the slaughtermen knocked off at noon instead of cutting out tally at about 3 p.m. On November 7 the union representatives removed slaughtermen from the mutton chain, and asked that such men be put on outside work at full pay. This was refused. The union then asked for a conference with the chairman. On the union giving an undertaking to resume normal work and cut out tally up to 3 p.m. the chairman agreed to meet delegates. At this meeting the chairman informed delegates that unless men complied with wages board determination and killed full tally, the slaughtermen and following labour would be given one week's notice of termination of services.

On November 8 the work was carried out normally, but on November 9 the slaughtermen walked off the chains at 11 a.m. On Saturday, November 9, Mr. Pirie, the secretary of the union, returned to Adelaide from interstate and called on the chairman, and requested a further conference. On Mr. Pirie giving an assurance that work would proceed normally, the chairman agreed to put the request to the board. Mr. Pirie's request that the full board

meet a deputation was refused. On Monday, November 12, the board agreed that the chairman and two other board members should meet delegates, and carried the following resolution:—

“That the board will not make any decision apart from the Wages Board or other industrial tribunal.

That if the union applies to the Wages Board for three weeks' annual leave after 10 years' service, or any increase in rates, the board's representatives will oppose such application.

If the men stop work the board will treat their action as a breach of contract of service, and will instantly dismiss them.

The automatic consequence thereof will be that the men will lose all retiring allowances and long service leave benefits.”

This was communicated to the delegates, including Mr. McInerney, president of the union (who is a member of the Abattoirs Board) and Mr. Pirie, the union secretary. The employees held a stopwork meeting on Tuesday, November 13, which lasted all the morning. They turned to at about 1.30 p.m. but, after working for about 40 minutes, the slaughtermen again walked off the job. The loading gangs refused to load additional lorries, which would have greatly assisted to replenish the butchers' stocks. On the instruction of the chairman, all slaughtermen, drovers, slaughtermen labourers, offal floor and chilling room employees were dismissed from the board's service.

Every possible opportunity has been given the union and its members to adopt constitutional methods of settling the dispute. The whole of the local and export trade has been disrupted, and consumers left without meat. The employees have direct representation on the Abattoirs Board, through their very efficient and reasonable president, Mr. S. E. W. McInerney. Their working conditions are superior to any other abattoirs in Australia. Very few of the men work anything like 40 hours per week. A very large majority of the employees are men whose whole life work is bound up with the Abattoirs, and this large majority are men any employer would be glad to have on his staff. There is, however, a small minority who appear to be able to swing a meeting against the interests of the men and possibly against union officials' advice. The chairman and the members of the Abattoirs Board have been elected to manage this undertaking in the interests and for the benefit of consumers and producers. This responsibility is accepted by the board, and they intend to conduct the business in a constitutional manner. One thing is certain, the Abattoirs Board will do the managing, not the union.

I have been in communication with the chairman of the board this morning in respect of difficulties that might arise through consumers not being able to get supplies of meat. Under the Metropolitan and Export Abattoirs Act, if the Abattoirs are able to deliver meat then meat may not be brought into the metro-

politan area for sale. However, when they are unable to deliver it may come in. Such meat is subject to inspection and has to conform with certain standards of cleanliness, etc., but the Abattoirs will facilitate this inspection in every way possible. Considerable supplies of meat are held in the Abattoirs chilling rooms and some in cold store, and so far as possible the Abattoirs Board will make this meat available to butchers who desire to continue operating in the city and the metropolitan area. If the dispute continues it may be necessary for butchers to go to the Abattoirs to pick up supplies. Every facility possible will be given to people who wish to get meat in from the country so that consumers will not be deprived of supplies necessary to sustain life. I have been in touch this morning with the manager of the Government Produce Department, Mr. Rice, who is making arrangements for meat supplies to be made available to hospitals and other institutions which would be greatly inconvenienced by any continuation of the dispute at the Abattoirs.

WINE INDUSTRY STRIKE.

Mr. MACGILLIVRAY—On November 8 I asked the Premier if he could answer a problem set me by a constituent of mine engaged in the wine industry who had asked whether, as it is an illegal strike, it would be possible for his union to proceed to the courts and force a unionist to pay certain levies which the union had suggested should be paid. The Premier said that a reply required legal knowledge, and that he had not the desired information. Has it yet come to hand?

The Hon. T. PLAYFORD—I have received a report from the Crown Solicitor, and in addition a large number of letters and petitions from various parts of the State, which in some instances are signed by an appreciable number of employees. One is of particular interest as it is signed by a number of women employees who are being asked to contribute toward the support of a strike which is to deprive them of employment. This communication reads as follows:—

I wrote to the *Advertiser* when this strike began protesting against the union action in trying to keep women out of this industry. Since then the union has changed its grounds for this strike and is trying to force us to pay a levy to support the strikers. Women have been employed happily in the country since the very earliest days and we do not want to be made to support the strike, so will you please protect us from having to pay the levy that has

been demanded of us and prevent the union from endangering the security of our employment?

I have also received the following opinion from the Crown Solicitor:—

It is clear that the members of the Liquor Trades Employees' Union are on strike and that such strike is illegal. Members of the union are being pressed by their union to pay a strike levy, the obvious purpose of which is to support the strikers and so enable the strike to be continued. Those who pay such a levy for such a purpose are aiding and abetting the strikers to continue to remain on strike, which strike is illegal. Those who pay the levy are committing the offence of aiding and abetting a strike.

Union rules cannot lawfully require its members to do something which amounts to an illegal act. Therefore, such union members should refuse to pay the levy and the union could not, in my opinion, take any effective action against them for refusing to pay the levy whatever their rules say. The position is similar to that of the Botanic Garden workers' case, where certain employees of a union were fined by the union for refusing to go on strike. The Supreme Court made an order in that case restraining the union from imposing such fines. Here, also, in my opinion, the unionists who refuse to pay the levy could take similar proceedings against the union if it endeavoured to fine them or otherwise prejudice them for refusing to pay an illegal levy.

Mr. FRED WALSH—I hoped that questions relating to the wine industry strike would not be raised today seeing that negotiations are proceeding, but the member for Chaffey asked a question and the Premier saw fit to take the matter a little further by reading a petition which he said came from various parts of the State from workers in the industry, mostly women. It is news to me that women are employed in this industry in many parts of the State. I feel that I know who wrote the letter he read. I believe the writer gave evidence in court; that at that time she was breaking the laws of the State by working in the industry, and that her employer also was breaking laws by employing her. The Crown Solicitor's report does not conform with actual fact, for when the Victorian railway strike took place last year and the South Australian workers became involved, the Federated Union of Locomotive Enginemen struck a levy on its members for the purpose of sustaining those on strike, to which certain members of the union took exception and approached the Federal Arbitration Court. I point out a difference between the cases which the Premier claimed to be analogous in speaking last week, and again today, when he mentioned a case where a union which had instructed its members to cease work saw fit to impose a fine on members

who had not ceased work. That is a fine and not a levy and was imposed in accordance with union rules, because those members disobeyed union orders to create, as was suggested, an illegal strike. The appeal against the levy in the railways case was taken to the Federal Arbitration Court, and the Full Court, consisting of Judges Foster, Dunphy and Wright, delivered judgment on July 25 last. Their finding concluded:—

After hearing arguments by counsel for both parties the court adjourned for a few minutes to consider the opposing submissions made during the hearing. On resuming, Mr. Justice Foster announced:—

The court has considered this matter and has decided that on the preliminary point taken by Mr. Egglestone no ground has been established which shows with sufficient certainty that this levy was in any way invalid.

That is a decision of the Federal Arbitration Court in which the Federated Liquor and Allied Trades Employees Union is registered under the Commonwealth Conciliation and Arbitration Act. Is the Premier aware of that decision?

The Hon. T. PLAYFORD—I am not conversant with the Arbitration Court decision in that matter, but I have always believed that, when it came to a question of the determination of the law generally, the Arbitration Court only arbitrated in industrial disputes and that the question of whether a thing was lawful or not was ultimately decided by the High Court. However, I do not pretend to have full legal knowledge on these matters. Mr. Macgillivray asked me if I would obtain the opinion of the Crown Solicitor on this matter, and I then informed him that it was not the duty of the Government to supply legal advice to everyone, but that in view of the fact that I had received a number of letters asking the legal position I would obtain a report. That report has been obtained and placed before members. Whether it is correct would ultimately be for the courts to decide, but the Government has found that advice tendered by the Crown Solicitor has usually proved to be in accordance with the law.

MYXOMATOSIS CAMPAIGN.

Mr. CHRISTIAN—While in my district last week I was informed that the myxomatosis campaign undertaken there recently had been a failure. I do not know the cause. Can the Minister of Agriculture say whether that information is correct, and if so will he arrange another tour of the district shortly while conditions remain favourable so that the rabbit plague can be dealt with by this means?

The Hon. Sir GEORGE JENKINS—The information given to the honourable member is substantially correct and is as reported to me by the Chief Veterinary Officer, Mr. Macindoe. For some reason the myxomatosis virus used on the West Coast was not effective. Since finding out its ineffectiveness, the department has been using another virus which has been supplied wet, and the result has been satisfactory in areas where there had previously been failure. Reports which have come in from the Middle North and other places since the visit of the veterinary officer are quite satisfactory. After the campaign at present arranged has been concluded it is intended to send an officer to the West Coast again to make use of the more effective virus now available.

BUSH FIRE MENACE.

Mr. FLETCHER—A matter which is giving a number of people in the South-East much concern is the menace of bush fires. If such a day as last Monday week should occur in December and a few fires started, afforestation and other forms of production would be destroyed. Recently I attended a conference of the South-Eastern District Councils' Association at Naracoorte where a number of resolutions were carried for consideration by the Minister of Local Government. The following was one:—

That the Bush Fires Act be amended to provide that—

- (a) Councils to license mill sites on such conditions as considered desirable, but owners to have right of appeal to the Minister against such proposed conditions.
- (b) Councils to have specific powers to prosecute timber mills not providing adequate firebreaks around mill sites.
- (c) Councils to have power to prosecute owners or occupiers of properties not providing firebreaks where a fire hazard has been declared.

It seems that anyone can establish a mill anywhere under any sort of conditions. Although I realize that the small operator must start somewhere, many of these mills are being established in areas without supervision and will be a definite menace. Can the Minister of Local Government say whether consideration has been given to the resolutions passed at that meeting, especially the one I have read?

The Hon. M. McINTOSH—This matter involves two questions; firstly, the question of the responsibility of local government bodies themselves, which is of acute consequence today, because if local government means anything it means councils should do everything possible themselves; and secondly, the question of

afforestation, which has a bearing on the prosperity of the State. I will take up the question with my colleague, the Minister of Forests, to see what we can do conjointly. I say emphatically that we will do all we can, but I will not accept any implication that it is our responsibility alone and that other people will be absolved from responsibility because they have not played their part.

LAND TAX ASSESSMENT.

Mr. O'HALLORAN—I understand that prior to about 1940 the result of the quinquennial assessment for land tax purposes was published in the form of a Parliamentary Paper. The assessment made in 1940 was not published, I am informed, because of a paper shortage. An assessment was completed last year, but I am not aware of any publication of it. It has been represented to me that the publication of this assessment would be of considerable value to local government authorities throughout the State as it would afford them a means of checking their assessments with the State-wide assessment made by the Lands Department. Is it the intention of the Government to publish the 1950 assessment in the form of a Parliamentary Paper and, if so, would it be possible to incorporate the values in the 1940 assessment in the same publication?

The Hon. T. PLAYFORD—I am not aware of the reason for the 1950 publication not being dealt with in the usual manner. I can understand the reason for the 1940 publication not being printed, because at that time emergency regulations were in operation covering the use of paper. I shall be pleased to have the honourable member's suggestion examined to see if it is possible to include the 1940 values so that local bodies can have the advantage of this information. I understand a number of district councils are now involved, or will be in the near future, in making a new assessment of their districts. This is a costly job for councils and the Government will be glad to give them all the assistance it can.

TURN-ROUND OF SHIPS.

Mr. STEPHENS—I appreciate the Premier's reply to the question I asked yesterday about the turn-round of ships at Port Adelaide. He said, *inter alia*, "It is sometimes necessary to have action taken in the other States if we are to get the full benefit of a better method of unloading ships here." I take it that the Premier was referring to the way in which vessels that were coming to Port Adelaide have been loaded in other places, inasmuch as cargo

for the first port of call is sometimes overstowed by cargo for the second port. As a result, often watersiders at Port Adelaide have to take 100 or 200 tons of cargo out of a vessel and place it in a shed in order to get the cargo for this port. Then the first cargo removed has to be placed back in the vessel. Has the matter I have raised been dealt with and, if not, will the Premier see that it is, or will he have inquiries made as to the amount of cargo that has been taken out of vessels at Port Adelaide? Will he ask Mr. Bishop to inquire into the amount of cargo that has been unnecessarily handled as a result of cargo not having been stowed properly?

The Hon. T. PLAYFORD—The matters I had in mind were rather different from those mentioned by the honourable member. For example, much time could be saved in unloading timber if the timber were bundled before being loaded into the ship; it would be ready to be taken out when unloading took place. In some parts of the world fork lift trucks are used to a greater extent than at Port Adelaide. Goods are also loaded on pallets in order to facilitate unloading. There is a certain amount of over-stowage of cargo; probably more since the end of the war than previously. It is due to goods being consigned before being purchased, and in many instances it is not known when the goods are loaded in Europe at which port they will be unloaded. That applies to steel piping, galvanized iron, and cement. On one occasion the South Australian Government bought a considerable quantity of piping from overseas and had to bring it back from Sydney because of over-stowage.

DESTRUCTION OF MISTLETOE.

Mr. RICHES—Has the Minister of Agriculture obtained a report from the C.S.I.R.O. or some other competent authority, on the matter of eradicating mistletoe from some of our Flinders Range pleasure resorts with a view to preserving the timber?

The Hon. Sir GEORGE JENKINS—Experiments on this matter have been carried out for some time past by the C.S.I.R.O. Although promising results have been obtained in the Australian Capital Territory, the work has not yet reached the stage where definite recommendations can be made regarding the practical use of the methods tried. With a view to extending the investigations to other centres, arrangements are now in hand for tests to be carried out on mistletoe affected eucalypts at Wirrabara Forest in the north, Mount Crawford Forest in the Adelaide Hills, and Penola Forest in the South-East.

NOARLUNGA ABATTOIRS.

Mr. BROOKMAN—A year or two ago abattoirs were established at Noarlunga and they are doing a remarkably good job for the district. On their establishment the Government was asked to appoint a meat inspector but the request was refused. Because of the trouble at the Gepps Cross works there seems no doubt that a meat inspector will be placed at the Noarlunga abattoirs, because meat from there will come to the city. They kill about 600 head of mutton, 50 head of beef, and pigs and calves, and the request for a meat inspector seems fair and reasonable. Can the Minister of Agriculture say if a meat inspector can be provided permanently for the Noarlunga abattoirs?

The Hon. Sir GEORGE JENKINS—The meat inspection work at the Gepps Cross Abattoirs is carried out by the Abattoirs Board, which is responsible for the appointment of meat inspectors. The Noarlunga abattoirs would come under that provision. I will get a report in regard to the matter and advise the honourable member.

SEWAGE SLUDGE.

Mr. MACGILLIVRAY—The Minister of works is no doubt aware that there has been a great demand for sewage sludge in recent years, particularly from people engaged in viticultural and horticultural production. I believe that not one ton of the sludge can be bought in Adelaide. Can the Minister of Works say whether, when country sewerage schemes are being established, the plant installed will preserve the sewage sludge for primary production purposes? The Horticultural Branch has found in practice that the use of the sludge is one of the best ways of overcoming the absence of certain trace elements in the soil. Settlers on the River Murray favourably view the use of the sludge.

The Hon. M. McINTOSH—I have a report from the Engineer-in-Chief, which forwards a more detailed report from the Engineer for Water and Sewage Treatment, Mr. Hodgson, who is one of the world's authorities on sewage treatment. His textbook is regarded as a standard work. All sewerage schemes for country areas in this State provide, with the exception of one or two where there is sea disposal for economic reasons, for the collection and drying of sludge. Unfortunately, the use of sewage sludge does not seem to be so well regarded as is indicated. Mr. Hodgson says:—

Personally I do not think that garbage disposal employing composting with sewage sludge

would be either economical or practical for a city the size of Adelaide. Further to this, there seems to be a complete lack of enthusiasm for composting in England at present and almost all authorities utilizing this process have abandoned their proposals for one reason or another. This state of affairs may not be unconnected with views expressed by the Agricultural Research Council, England, and the Rothamstead Experimental Station, in which doubt is expressed as to whether the compost so produced was of any more value, if as much, to the soil as the original raw material. Composting will not improve the value of sewage sludge as a manure or soil enricher and so there can be no gain to the soil from the sewerage system by employing composting over and above what is included in our present proposals.

I will make the report available to the honourable member for his perusal.

OIL EXPLORATION.

Mr. RICHES—Recently the Premier promised to get a report regarding oil exploration work. I mentioned that some people in the north were asking for exploration to take place in the Lake Frome area where oil indications seem to be favourable. Has the Premier anything to report?

The Hon. T. PLAYFORD—I have received the following report from the Director of Mines:—

An oil exploration licence covering 1,000 sq. miles in county Grey, Lower South-East, was approved for D. O. L. Kitto on 23/8/50 (for two years' tenure). Apart from a discussion with their geological adviser no progress reports of any activity have been received. The aerial magnetometer is a suitable instrument for delineating major geological features in oil basins, as well as other areas. Some aerial work of this nature was carried out by a private company in the Lower South-East several years ago, but has not so far been applied in the South Australian portion of the great artesian basin.

POLICE UNIFORMS.

Mr. LAWN—In reply to a question by me recently the Premier said he would further consider the question of increasing the allowance to police officers to cover the cost of uniforms or, alternatively, supplying them with uniforms. Has that been done?

The Hon. T. PLAYFORD—The matter has not yet been submitted to Cabinet by the Chief Secretary.

INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT BILL.

Mr. MACGILLIVRAY—Yesterday I asked the Premier a question regarding the Industrial and Provident Societies Act Amendment Bill. He mentioned that one society had taken

exception to the Bill and had suggested that it be referred to a select committee. Is it the Government's intention to place it before such a committee, or is the matter to be left in the hands of the societies themselves?

The Hon. T. PLAYFORD—The proposal is that Parliament should adjourn before the end of the month and therefore it will not be practicable to submit the matter to a select committee. Any society could have come under the Bill as framed without any obligation on any other society to do so. In those circumstances it does not seem to be a matter for a select committee or for further inquiry.

JOINT COMMITTEE ON SUBORDINATE LEGISLATION.

The SPEAKER laid on the table the following report of the Standing Orders Committee:—

The Standing Orders Committee of the House of Assembly has conferred with the Standing Orders Committee of the Legislative Council concerning section 3 of the Constitution Act Amendment Act, 1950, relating to the Joint Committee on Subordinate Legislation. The committee recommends the repeal of Joint Standing Order No. 23 and the substitution of new provisions and consequential amendment of Joint Standing Order No. 20 as shown on the accompanying schedule.

Ordered to be printed.

OFFENDERS PROBATION ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT BILL.

In Committee.

(Continued from November 13. Page 1236.)

Clause 14—“Period of notice to quit.”

Mr. FRANK WALSH—The committee of inquiry recommended that where a tenancy was fortnightly or for a shorter period a notice to quit given for the number of days set out in the Act should be valid and effective even though it does not strictly comply with the common law as to the date of its expiration. I was informed by Mr. Pattinson that the High Court had given judgment on this matter. It appears that court cases have been lost because the notice to quit did not expire on a day at the end of the weekly or fortnightly tenancy. Can the Premier explain the position?

The Hon. T. PLAYFORD (Premier and Treasurer)—I am not sure just what information the honourable member wants. I

explained the clause in my second reading speech and I cannot take the matter much further than that.

Clause passed.

Clause 15 passed.

Clause 16—“Grounds in notice to quit.”

Mr. PATTINSON—This clause amends section 26r of the principal Act by striking out certain words. That section provides that notice to quit shall specify the grounds upon which the landlord relies for his notice and that he shall also give particulars of the grounds. This clause is a very sweeping amendment. The landlord could give notice to quit on one ground, but would not be confined to that ground; when the case came before the court he could rely on any other ground available to him under the Act. I am in agreement with that, although it is a wide departure from the policy of the Act, but there is an anomaly in that the owner is still bound to give particulars of the original ground when he gives notice to quit, whereas under clause 16 he may in court rely upon any ground. I think this has not been considered sufficiently by the committee of inquiry. It is ludicrous to provide that a landlord shall specify the ground upon which he relies and shall give particulars thereof in his notice to quit but may later come to court and rely upon any ground. Section 26r, which the clause amends, reads:—

A notice to quit shall specify the ground relied upon and shall give the particulars thereof, and, in the proceedings, the lessor shall not be entitled to rely upon any ground not so specified.

The Act contains more than a dozen grounds upon which the landlord may rely in giving notice to quit. The simplest of these is that the landlord requires possession of the premises for his own use. Section 26r says that he must give notice to quit and state his ground and the particulars thereof, therefore that landlord sets out that he has a wife and three children, showing their ages and other particulars. The Supreme Court has held—I think in a somewhat hypertechanical manner—that he is not only bound by the ground stated but by the particulars or lack of particulars disclosed.

Mr. Shannon—If a vital factor is overlooked it cannot be considered?

Mr. PATTINSON—That is so. Both Mr. Justice Mayo and Mr. Justice Abbott have given decisions which I think, with very great respect, are very far-reaching. If I under-

stand the judgment of Mr. Justice Mayo correctly—and I appeared before him on the appeal—not only must the grounds be given but highly elaborate particulars supplied, as in expensive litigation in the Supreme Court. This clause provides that the landlord may rely upon any grounds on the day of the hearing without giving the tenant any notice at all of change from the original ground, but the committee of inquiry has overlooked the fact that he must give elaborate particulars of the ground originally relied upon. That does not make sense and I move:—

To insert after “amended” in the first line of the clause—

(a) by striking out the words “and shall give the particulars thereof”; and

(b)

The Hon. T. PLAYFORD—I accept the amendment which appears to me to be a natural corollary to the provisions of the Bill.

Amendment carried; clause as amended passed.

Clauses 17 to 19 passed.

Clause 20—“Warrant.”

Mr. SHANNON—Under this clause the court is given power to extend indefinitely the period in which a warrant may be executed. This means that a person having proved to the court that he has a greater right to the premises than his tenant and the court having made a warrant accordingly, the court may indefinitely postpone the day on which the landlord will gain possession. This may result in a number of hardships, particularly when the owner of the property and his family are to occupy the property as their home. The period for which the court shall have discretion to postpone the execution of a warrant should be limited, I suggest, to six months, which I consider a reasonable period. In certain circumstances the court may deem a period of one month or two months sufficient, but the court should not be able to postpone indefinitely the delivery of possession of premises to an owner.

The Hon. T. PLAYFORD—This clause is mainly of a drafting nature and does not introduce any new subject matter into the Act. It is included on the recommendation of the committee because of some supposed conflict which may exist between this legislation and the Local Courts Act. The purpose of the clause is to make it clear that the provisions of the Act shall apply and not be over-riden by some other Act.

Mr. Shannon—Are periods for the execution of warrants extended in practice?

The Hon. T. PLAYFORD—They have always been capable of being extended, and that arrangement has worked most satisfactorily. It is necessary in the application of the Act that they can be extended. The court may be told that a tenant has applied to the Housing Trust for a home and has been promised a house by a certain date, and an order is made accordingly. The court would not desire to turn a tenant out because of some delay by the Housing Trust in making a house available to him. The practice in this matter is for the court to judge the relative hardships of the landlord and the tenant. The clause does not introduce any new features, but is purely a drafting clause.

Mr. LAWN—The existing provision has worked well. The court should decide whether there should be a stay of proceedings. I know of cases where it has granted an application by a landlord but has given the occupier a certain time in which to vacate the premises. Tenants do everything possible to get alternative accommodation, but sometimes cannot get it until a month after the date of the expiration of the warrant to vacate. The Housing Trust cannot at all times make a house available to the tenant. The court is able to make the appropriate order to meet these cases and this system has worked in the interests of all parties. I do not know of anyone who has suffered hardship as a result of an extension of time. I strongly recommend the Committee to retain the present provision.

Mr. PATTINSON—I agree with the Premier’s explanation that this clause is merely a drafting measure because there is an apparent conflict between the Landlord and Tenant (Control of Rents) Act and the Local Courts Act, in that a warrant under the Local Courts Act is returnable on a certain date. The clause seeks to clear that matter up, but I think the section in which the member for Onkaparinga is interested is section 26v, which gives the court power to stay proceedings. There is merit in the point he raised. I know of cases where extensions have created grave hardships to landlords. Sometimes the local court adopts interlocutory proceedings. An order may have been made in favour of the landlord fixing a date before which the tenant is obliged to vacate the premises, but the tenant, by an interlocutory summons, can go before the magistrate in chambers and ask that the order be varied or extended. Interlocutory proceedings under the Local Courts Act are only taken in relation to minor things, perhaps to rectify some little defect in the summons. This

method is now being adopted by way of a trial, whereas in the original application both the landlord and the tenant have to give evidence on oath in regard to hardship. That is fair to both sides. The facts can be ascertained and the judge is in a position to give a decision, but interlocutory proceedings are very informal affairs.

Mr. O'Halloran—Can the other party object to interlocutory proceedings?

Mr. PATTINSON—No, but a counter affidavit can be filed. The hearing is not subject to any rules of evidence; in fact, no evidence is given. The parties can appear before the magistrate and be not represented by counsel. No record is taken of the proceedings. This procedure is too easily, too frequently, and too loosely availed of.

Mr. Fletcher—Do you think it is abused?

Mr. PATTINSON—Yes. In order to get rid of his tenant, a landlord may give him six months in which to vacate the premises. The parties then go before the court and ask for an order, by consent, accordingly. The landlord may make all arrangements to move in at the end of the period, but on the day on which the tenant has to vacate, the landlord may be served with an interlocutory summons in which the tenant asks that the order be varied or for an extension. The use of interlocutory proceedings should not be encouraged. Magistrates might well exercise a little more discretion and not grant applications for an extension of an order after a few minutes' hearing. The order may have been made many months before after a proper inquiry.

Clause passed.

Clause 21—"Proceedings for recovery of possession of shared accommodation already leased."

Mr. FRANK WALSH—I move—

In subsection (3) of new section 26wa to strike out "shall not take" and insert "may, if the court thinks fit, make the order without taking".

I do not say this will solve all the problems I mentioned in the second reading debate, but it is necessary to give some protection to tenants given two months' notice to quit.

The Hon. T. PLAYFORD—The amendment modifies the proposed new section, which is in accordance with a recommendation of the committee of inquiry. The amendment gives the court the power to consider hardship, whereas the committee recommended that it should not be able to consider hardship in such cases. However, I do not object to the amendment.

Amendment carried.

Mr. FRANK WALSH moved—

To delete "shall not take" from subsection (3) of new section 26wb and to insert "may, if the court thinks fit, make the order without taking."

Amendment carried; clause as amended passed.

Clauses 22 to 27 passed.

Clause 28—"Exclusion certificate for premises let for term."

Mr. WHITTLE—The practice of sharing accommodation is working satisfactorily, but there is not so much of it as there could be because the Housing Trust does not always take a realistic view of what is a fair rent. I know of cases where people have rented two furnished rooms in a large house with nice surroundings, but these conditions have not been considered by the trust in fixing the rent. It has merely looked on it as the fixing of a rental for two ordinary furnished rooms. If the trust viewed the matter more realistically, and agreed to a slightly higher rent because of the better conditions, but not an exorbitant rent, many people would share their accommodation who do not do so now because of the attitude of the trust. It takes a business view of the position rather than a friendly one.

Clause passed.

Clauses 29 to 31 passed.

Clause 32—"Interpretation."

Mr. MACGILLIVRAY—I move—

To delete "for a period not exceeding five years" wherever appearing in the definition of "discharged member of the forces."

Last session I moved a similar amendment when this legislation was considered, but the Premier refused to accept it because he said it made the position too wide, and that Europeans would be able to claim all the protection afforded to our Australian ex-servicemen. I saw the difficulty and he promised to have a better interpretation framed. Now we are faced with the position set out by the committee of inquiry, but the committee lacked a proper understanding of the position of ex-servicemen. I have already pointed out that many young men, who spent only a short time in the forces, are unable to get houses; yet there is to be no protection for them. Last session, when this matter of protection was debated, a letter was received from the R.S.L., and the following is an extract from it:—

Since this legislation was enacted my league has been active in its support of the sections relating to the protection of ex-servicemen and their dependants, and while we believe that fur-

ther protection should be afforded those who served their country in war, we do not wish to press unduly for further amendment, other than the extension of the relevant sections of the present Act for a further 12 months. The extension of the Act for a further 12 months will enable ex-service personnel to receive some measure of the promises made to them during the war and the period of five years provided by section 26am could well be extended to seven years, as many who rendered excellent war service and were discharged early in 1945, either as unfit for service, or on manpower or compassionate grounds, are not in receipt of a pension and are not protected.

At the time the League thought the extension of the provision for one year would be sufficient. Probably it felt, as the Premier does, that the matter could be dealt with annually, but that line of thought does not appeal to me. The principle of preference to ex-servicemen should not be discussed each year. We made promises to our soldiers and they should be fulfilled. Some figures were given last session and I do not think the position has improved since then.

*The letter proceeds:—

The extent of the housing shortage as far as ex-servicemen are concerned can be readily gauged. The War Service Homes Division have 2,462 applications in hand and are still receiving approximately 160 per month, while only 75 dwellings are completed each month. In addition, among the large number of applications held by the South Australian Housing Trust, many are from ex-servicemen and, although preference is given, the usual waiting period is five years for a rental home and 2½ years for a purchase home.

That proves conclusively the need for all the protection ex-servicemen can get. We should remember the promises made to them. Only last Sunday many fine speeches were made about "our forgotten men." This is one instance where this Parliament can do something for them.

The Hon. T. PLAYFORD—As I understand the amendment, it is on all fours with one moved last year, the object being to preserve protection for a protected person for all time. The purpose of Commonwealth legislation was to protect persons who were under a disability in securing a house because they had been away on active service, and therefore they were offered special privileges to rectify the disability. The protection of one year was later extended to two years and it continued to apply until the Commonwealth Government stated it was unable to continue the system any longer. From that time onwards the State has passed legislation in this respect. My Government has set out to give ex-service-

men a preference in the building and in the allocation of houses. I ask the committee not to carry the amendment, which is undesirable in many ways, but chiefly because it does not approach the position from the right angle. Many ex-servicemen are unable to obtain possession of their own homes because of the position the honourable member seeks to perpetuate by his amendment.

Mr. MACGILLIVRAY—The Premier says that the right way to alleviate the position is to give these men homes. The answer to that is the figures I have quoted. Actually the War Service Homes Division cannot meet demands by about 50 per cent. I would not be surprised if, since I quoted the figures last year, the position has deteriorated. We know that the Housing Trust allocates a big percentage of its homes to ex-servicemen, but despite the statement of the Premier about "approaching the matter from the right angle" we find that among the large number of applications for homes held by the trust many are from ex-servicemen. Although preference is given to them, the usual waiting period is five years for a rental home and 2½ years for a purchase home. That is the result of the Premier's "direct methods." He is side-tracking the issue and is not prepared to face up to what is happening to our returned men. No-one would be more pleased than I if his policy of giving a home to all returned men requiring them could be made effective. As we cannot do what he says we should do, we should do the next best thing and give them some form of protection. Has any section more rights than those who fought for this country? I ask the Committee to ignore what the Premier says because the facts prove that he is completely wrong.

Mr. QUIRKE—I support the amendment. I have had considerable experience in obtaining permits for house building, and have found that the five-year protection for ex-service men has been practically valueless for at least four years of that period. The fact that a man was a returned serviceman did not entitle him to a permit unless he had various qualifications, such as having a family, or that his living conditions were bad. A young married man without a family was not, until recently, eligible to get a permit, and older men without families were also ineligible. I know that the Housing Trust is allocating a big percentage of its homes to returned men and I give it full credit. Although about 50 permits a month are being allotted to the War Service Homes Division it is still hundreds of houses

behind requirements. That is another reason why protection should be extended. It costs anything up to £1,000 more to build a home now than it did a few years ago. I consider that protection is still needed to give ex-servicemen an opportunity to get a home. They should be afforded the opportunity to save sufficient money to pay a deposit on a house. Under the homes purchase scheme of the trust an ex-serviceman pays a smaller deposit than a civilian, but it is extremely doubtful if today less than £400 will be accepted as a deposit. Many of them have not got it and that is one of the difficulties today. The continued upward spiral of costs has made it impossible for them to acquire the deposit. Some are making determined efforts to do so but want protection until they can save sufficient money. I know of cases in which both the husband and wife are working in order to save to that end. One man is working 70 hours a week, including Saturday and Sunday, for this express purpose, but at the rate he is working I think it extremely probable that he will collapse before he gets the house unless he has a let-up. There are many cases such as those I have quoted and those people should be protected while they are saving towards the erection of their homes.

Mr. FLETCHER—I support the amendment. Only this morning a returned soldier told me that when he was married he was not eligible for a home because he had no family but today, although the fact that he has one child makes him eligible, his capital has dwindled and he cannot make a deposit on a home. I do not think we should make it a hard and fast period of five years protection for these men, for many of them are still young. So long as a man has fought for his country, I consider he is entitled to protection until he is in a position to acquire a home.

Mr. FRED WALSH—I do not support the amendment, for it must be considered in conjunction with the rest of the clause. I am surprised to learn that "member of the forces" includes any person who saw active service with the forces of the United Kingdom or of any Dominion. It is quite possible that a member of the Indian or Pakistani forces could be protected under this legislation.

Mr. Pattinson—Undoubtedly.

Mr. FRED WALSH—I hope the protection will not be given to members of services of other Dominions to the detriment of the Australian ex-serviceman. It is unfortunate that

when we speak of ex-servicemen we tend to forget the servicemen of previous wars. The clause defines "war service" as—

- (a) the service during any war in which His Majesty became engaged on or after the third day of September, nineteen hundred and thirty-nine . . .

What becomes of the returned soldier from the first World War under that definition? He belongs to a forgotten legion. Older men who may be suffering today from disabilities accruing from that war are given no preference at all. I am concerned with the protection firstly of Australian ex-servicemen and secondly of those who have been associated with the development of this country. Ex-servicemen generally are at a considerable advantage compared with non-servicemen with regard to the allocation of Housing Trust homes. The prospect of a non-serviceman obtaining a Housing Trust home is practically nil. I agree with the member for Stanley that many ex-servicemen are unable to find the deposit required for a war service home because of the increased cost of building. As a result many of them have abandoned their application with the War Service Homes Division and have applied to the Housing Trust, thus further lessening the prospects of a non-serviceman obtaining a home. I am at a loss to understand why protection is extended to people not associated in any way with the Australian services.

Mr. STOTT—The arguments of the member for Thebarton are worth considering, but he should attack, not the amendment, but the definition of "member of the forces," which reads:—

A member of the defence force engaged on war service and includes any person on active service during any such war with the naval, military, or air forces of the United Kingdom or of any other part of the King's Dominions (other than the Commonwealth of Australia).

Mr. Macgillivray's amendment will not affect the position as stated by the member for Thebarton. It could be given a trial for a year or two and later reviewed. I support it.

Mr. MACGILLIVRAY—I ask the honourable member for Thebarton to reconsider his attitude to my amendment in view of the remarks of the member for Ridley. If he wishes, he may move to amend the definition of "member of the forces." With a view to extending protection to returned soldiers from World War I, he could move to amend the definition of "war service." My amendment will do something to help the ex-serviceman

and will be an earnest to them that Parliament does more than talk about their needs.

The Committee divided on the amendment—

Ayes (6).—Messrs. Fletcher, Lawn, Macgillivray (teller), Quirke, Stott, and Fred Walsh.

Noes (27).—Messrs. Brookman, Clarke, Duncan, Dunn, Dunnage, Goldney, Hawker, and Heaslip, Hon. C. S. Hincks, Mr. Hutchens, Hons. S. W. Jeffries and Sir George Jenkins, Mr. McAlees, Hon. M. McIntosh, Messrs. McLachlan, Michael, Moir, O'Halloran, and Pattinson, Hon. T. Playford (teller), Messrs. Riches, Shannon, Stephens, Tapping, Teusner, Frank Walsh, and Whittle.

Majority of 21 for the Noes.

Amendment thus negatived.

Mr. FRED WALSH—I have already stated that my main concern is not to extend preference to members of forces other than the Australian forces, and to this end I move—

To delete all the words after "United Kingdom" in line 5 of the definition of "member of the forces."

If the committee agrees to this amendment consequential amendments will be necessary in paragraph (e) of the definition of "war service."

The Hon. T. PLAYFORD—I ask the honourable member not to press this amendment as it could create very invidious and undesirable distinctions. For example, if I understand it aright, the protection would still extend to United Kingdom forces, but those of our sister dominion New Zealand, whose forces have stood shoulder to shoulder with our boys at the front, and those of Canada, where many of our boys have trained, would be excluded.

Mr. SHANNON—We are dealing with a ticklish problem here. A number of Australians, for various reasons, enlisted as members of the United Kingdom forces. I will mention two whose names had much publicity during the war: one is Hugh Martin, of Sydney, who enlisted in the Royal Air Force and was one of Australia's prominent airmen, and the other is Hughie Edwards, of Perth, the most decorated Australian airman. If they are entitled to pensions they get them from the United Kingdom Government, because they actually served as members of the United Kingdom forces and not of Commonwealth forces. I have a neighbour who served in the air force in Malaya as a British officer.

Mr. Stott—The amendment would not exclude them because it leaves the words "United Kingdom" in the definition.

Mr. SHANNON—I am not sure of the legal effect of the striking out of these words, but if we leave them in we appear to cover everybody. Privileges granted to our ex-servicemen should also be extended to Britishers who fought with us.

Mr. HAWKER—I think the fears of the member for Thebarton are groundless. The safeguard that the person must have resided within the Commonwealth at any time within three years before the commencement of his war service is adequate.

Mr. STOTT—The Act provides a much wider application than the Bill, because (b) and (c) of the definition of "member of the forces" is to be deleted. However, members of the forces of the United Kingdom or of any other part of the King's dominions, which would include New Zealand and Canada, for instance, are still covered. Members of the forces of the United Kingdom should still be included because of the Commonwealth Government's migration programme, but few New Zealanders or Canadians will be coming here. We must draw the line somewhere because of the desperate housing shortage. I am afraid the reciprocal arrangements with other dominions are not in favour of Australia, so we should not include "other parts of the King's dominions."

Mr. PATTINSON—The provision does not go as far as some members think, for the person must have resided in Australia for three years prior to his enlistment.

Mr. FRED WALSH—Mr. Pattinson was referring to the definition of "pension," but I am concerned about the definition of "members of the forces." If subsection (2) of proposed new section 26am included the proviso mentioned by the member for Burra, namely, "resided within the Commonwealth at any time within three years before the commencement of his war service," I would have no objection. That proviso applies only to war pensioners. I appreciate what the Premier said in respect to New Zealand and Canadian forces, but I point out that South Africa, India, and Pakistan will still be covered by the Bill. However, people from those countries are only in the Commonwealth, more or less, on sufferance. They do not desire to maintain their associations with the British Commonwealth of Nations, and they are not entitled to special privileges. Not many discharged members of the forces engaged in World War II. will be covered, but I am anxious to see protection given to members of the forces serving in

Korea. I am not prepared to extend the same privilege to other than British and Australian servicemen.

The Hon. T. PLAYFORD—The honourable member says that the definition of “member of the forces” includes soldiers from Pakistan and India. Unfortunately, it does not, for India has proclaimed her independence and is no longer a part of the King’s dominions.

Mr. Fred Walsh—What about South Africa?

The Hon. T. PLAYFORD—Much the same position applies there, although that country has not created a presidency. Those countries, however, have agreed to be considered as part of the British Commonwealth, but they are not part of the King’s dominions within the meaning of the amendment. From the practical point of view, the immigration laws of this country have certain limitations which would make the provisions inapplicable to the classes of persons the honourable member mentioned. We have a close relationship with Canada and New Zealand, but I do not think one Canadian or New Zealander would come under the provision.

Mr. O’Halloran—Is there any reciprocal arrangement with those countries?

The Hon. T. PLAYFORD—I doubt whether those countries have legislation of this type, but our R.S.L. does not take a narrow view and Canadians and New Zealanders would be accepted as members of the league without any trouble. I think the definition is realistic and we should not make any distinction. I ask the honourable member not to press the amendment.

Mr. HAWKER—My previous statement was wrong, and the honourable member for Thebarton was right. The residential qualification applies to pensioners and not to ex-servicemen.

Mr. FRED WALSH—In view of the explanation by the Premier I do not press my amendment.

Amendment withdrawn; clause passed.

Clauses 32 and 33 passed.

Clause 34—“Special provision as to alternative accommodation.”

Mr. PATTINSON—During the second reading debate I discussed this clause at length and I do not propose to repeat in detail what I said then. I hope the clause will be negatived. Briefly, it means that, in landlord and tenant proceedings, if the tenant is a protected person and the magistrate decides that there is greater hardship on the landlord a notice can be served on the Housing Trust making it obligatory for the trust within a

reasonable time to find a house for the tenant. Section 26 of the Building Materials Act refers to emergency housing. It is the policy of the Government and Parliament for the trust to have absolute and unfettered discretion in the allocation of houses for sale and for rental, and for the trust to act as the agent of the Government in the allocation of emergency homes. There are a large number of ex-servicemen who are applicants for these three types of houses, but who not been successful with their applications because of an insufficient number of houses to go round. Many of these ex-servicemen are living under hardship conditions. With great respect to the committee of inquiry I suggest it would be a wrong principle for a magistrate to direct the trust to make a home available to a protected tenant out of the proper order of priority.

The Hon. T. PLAYFORD—There is much in what the honourable member has said. Section 26 of the Building Materials Act refers to the provision of emergency homes. They were provided first following an investigation into the conditions under which many people were living in the sandhills in the Semaphore district. They were living under cruel conditions. The emergency homes, even with their limitations, have proved a boon to many unfortunate people. At present there are about 6,000 applications for them. It seems wrong for a magistrate, without considering relative hardship, to give a protected tenant a priority. Members have always been prepared to allow the trust to go into the matter of relative hardship and to accept its decisions. When people have come to me I have asked for particulars so that they could be sent on to the trust for consideration. I do not oppose the suggestion to negative the clause, which is well-intentioned, but in practice it would mean that people not in the same dire distress as others would get preferential treatment.

Clause negatived.

Clauses 35 to 43 passed.

Clause 44—“Right of lessor to inspect premises.”

Mr. SHANNON—Some people with more than one house may want to sell one or more of them. The power of inspection is limited to a period of six months. That may be all right for inspections to see if properties are kept in good repair, but it is obvious that if there is a prospective buyer and no sale results six months are wasted before the next prospective buyer can be shown through the premises. The same thing might happen as

in the first case, which would mean a wait of 12 months or even longer. Some adjustment should be made here in order to give a person who wants to sell his property the opportunity of taking a legitimate buyer through it.

The Hon. T. PLAYFORD—This question first arose in the amending Bill last year, when section 35a was inserted enabling the court to make an order allowing an inspection. The clause will give an owner the right, without a court order, to make an inspection once every six months under reasonable conditions. Previously he had not the right. In cases where there is a difference between a landlord and tenant it might be to the detriment of the tenant if a landlord made his property a public thoroughfare for intending purchasers. In many cases a tenancy agreement would provide, by its very nature, for an inspection to be made for business reasons.

Clause passed.

Clauses 45 and 46 passed.

New clause 1a—"Interpretation."

Mr. PATTINSON—I move to insert the following new clause:—

1a. The definition of "shared accommodation" in section 4 of the principal Act is amended so as to read as follows:—"shared accommodation" means any premises to which this Act applies—

- (a) which form part of other premises; and
- (b) which are leased for the purpose of residence;
- (c) the lessee of which, under the terms of the lease, uses any habitable room in common with the lessor or with another lessee:

The new clause will give a new definition to "shared accommodation." The definition of "shared accommodation" in the Act is:—

any premises to which this Act applies which are leased, or intended to be leased, for the purpose of residence and forming part of other premises, but does not include any premises forming a complete residence in themselves.

Any premises are shared premises unless they form a complete residence within themselves. The sharing of any part of joint premises brings them within the definition of "shared accommodation." When the definition was originally inserted in the Act it had no real significance in eviction proceedings and was a relatively unimportant definition, but now that the Committee has passed clause 21 the definition becomes of immense importance because, if the definition in the Act is allowed to stand, clause 21 will bring within its compass, not

only hundreds but thousands of premises in the metropolitan area, the tenants of which will be excluded from the protection of the legislation. A large number of tenants today, even after the Bill is passed, will be living under a sense of false security, thinking they are under the protection of the legislation, but they will find that they are not. Within half a mile of my house there are scores of premises, such as maisonettes and houses converted into flats, in which some amenity is shared. Frequently they have a common backyard and laundry. In my view they would not constitute a complete residence. Even with two kitchens and two bathrooms there is some sharing of portions of the premises. Tenants who share accommodation are virtually deprived of any protection under the Landlord and Tenant Act because the majority of premises are naturally shared with the owners. In places that are not 100 per cent self-contained, if the owner has been in residence there for 12 months all he has to do is to give the requisite notice of two months to the tenant, who is not entitled, as of right, to put before any tribunal the fact that he will suffer hardship, even grave hardship, if he is evicted. If an owner has not been in residence for 12 months he need only give the tenant one month's notice after he has completed 12 months' residence, and if the tenant does not vacate the premises within the specified time the landlord can issue a summons against him. I believe that this is one of the mistakes which the committee of inquiry made. I feel it did not give consideration to this section of the Act with the same care, attention, and skill as to other parts. I can hardly think that the committee really considered the proper definition of "shared accommodation" under the Act. If we do not amend the definition the House and the committee will live to rue the day that clause 21 was passed. Before the court, the owner has to prove only about three things—that he is the owner of the property, has been the owner for 12 months, and has lived in part of the premises himself for 12 months; and he has to give two months' notice to the tenant to quit. He does not have to prove that he "reasonably needed" the premises for himself. Unless the magistrate desires to exercise his clemency under the amendment moved by Mr. Frank Walsh, the tenant is "out on the open road," as stated by Mr. Walsh yesterday. I feel there is a big shock coming to some hundreds of decent law-abiding citizens who are entitled to the

right to have their case heard. Even if the committee accepts my definition there will be a large number of people adversely affected by this legislation. Even now I view it with great misgivings, and venture the prophecy that within a year Parliament will regret having enacted clause 21, even if members agree to my amendment.

The Hon. T. PLAYFORD—The purpose of the amendment appears to be to tighten up the provision relating to shared accommodation so that the scope of clause 21 will be considerably limited. That clause goes much farther than amendments to the Act passed during recent years, and is a fairly radical departure from the general provisions of the Act. It was recommended by the committee of inquiry and that is the reason for its inclusion in the Bill. I have no objection to the new clause and am prepared to accept it.

New clause inserted.

Clause 6—“Notice of final fixation of rent”
—reconsidered.

Mr. PATTINSON—I move—

To insert after “amended” in line 1 “(a)” and at the end of the clause to insert the following:—

(1) By adding at the end thereof the following subsection:—

(5) Notwithstanding any of the foregoing provisions of this section, the trust may, in any case in which it is of opinion that it is just so to do, fix as the date from which any determination of the trust shall take effect any date not earlier than the day upon which the application was made to the trust for the determination of the rent.

This is a simple amendment. The trust will have before it a new basis for fixing rentals—the basic increase of 22½ per cent, plus an increase for rates and taxes and repairs. If the Bill is passed and the Act is proclaimed by the end of the month the trust will possibly be besieged in December by thousands of applications from landlords for increases. Of necessity, some applications will be considered early and others late and it will take many months before all applications can be dealt with. All the amendment means is that the trust will have the right to date back any increase it grants to the time of the lodgment of the application. It will not be mandatory on the trust to back date the increase to the date of the application, but it may “in any case in which it is of opinion that it is just so to do, fix as the date from which any determination of the trust shall take effect any

date not earlier than the day upon which the application was made to the trust for the determination of that rent.”

Mr. O'HALLORAN—On principle I offer no objection to the amendment, but I can see the possibility of difficulties arising out of its inclusion. I agree with the honourable member there will be a large number of applications and obviously it will be impossible for the trust to consider all applications promptly. I visualize it may be as long as four or five months before some applications are considered. It is a principle of justice that if an application is considered immediately and the rent increased, say, the day after the application, the applicant should not be placed in a more advantageous position than an unfortunate person whose application is at the bottom of the file and who possibly has to wait four or five months for his case to be heard. What I am particularly concerned with is the possible impact upon a tenant when an application is not considered for some time. The applicant may ask for the full increase and after four or five months the trust may consider that he is entitled to the full amount—4s. 6d. in the pound. The unfortunate tenant will find that, in addition to the normal rent, he will be suddenly faced with arrears amounting to a substantial sum. That might prove difficult for some tenants and bring them into conflict with another section of the Act which provides that if he does not pay his rent by the specified time he will be liable to eviction. I see no way out of that except perhaps to reverse the procedure, and I can visualize administrative difficulties arising in that regard. Under that procedure if notice were served the tenant would be required to pay the increased rent until the trust determined otherwise. If the trust determined against the landlord and fixed some lesser amount than was sought, then the obligation would be on the landlord to refund to the tenant the additional amount paid and to that extent it would be a form of compulsory saving for the tenant.

Mr. Whittle—He might have as much difficulty as the landlord in recovering his money.

Mr. O'HALLORAN—I question whether there will be any difficulty there. After all he is the tenant in the landlord's house, and if the landlord owes him money he can set that amount off against the current rent.

The Hon. T. PLAYFORD—I am in sympathy with the amendment, but agree with the Leader of the Opposition that in practice

its application could lead to great harshness. If the trust takes some months to deal with the applications it is obvious that a man with a large family might be faced with a considerable amount of back rent. The law provides that if he does not pay his rent within a certain time he shall be subject to eviction. I think the amendment goes far enough. It gives the trust a discretion as to whether it will impose the increased rent. Under the legislation which has been in existence for a considerable time a set method of getting a new rate of rent has been determined and that has involved delays. Probably the best amendment which could be devised to meet the position would be one which would not date the increase back to the date of application, but to, say, one month after the date of application, which would be the normal period for dealing with the matter. A period must elapse for an inspection to take place, the provisional notice to be served, objections received, and the final decision given.

Mr. Pattinson—That would take more than a month.

The Hon. T. PLAYFORD—Assume that a reasonable time is one month. Incidentally, by that time the tenant will know that the application has been made and will begin to think about what he must do to meet such an increase if the landlord's demand is substantiated. Instead of dating such an increase back to the date of the application, it could be dated back to one month after the application.

Mr. O'Halloran—That would overcome my objection to some extent.

The Hon. T. PLAYFORD—And it would bring the payment of this increase into line with existing procedure. The Government will assist the Housing Trust in every way possible to speedily consider applications. I suggest that the member for Glenelg consider amending his amendment in the manner I have indicated.

Mr. SHANNON—If the Housing Trust takes six months to consider an application under this Bill a tenant may have to meet arrears amounting to some pounds at the end of that period and have difficulty in finding such a sum. There is very little harm in the suggestion of the Leader of the Opposition. We should not give a discretion to anybody to decide that one landlord shall benefit from his increase from December 1, another from February 1, another from March 1, and so on. Although I do not suggest it would occur under our housing set-up, it has been known that where favours are to be distributed cer-

tain compensation has been made for such favours. In its present form the amendment might open the door to that type of corruption. Benefits accruing under this Bill should date from the same date and that date should be inserted in the Bill, such as January 1 next. Every tenant would then know that as from that date he will be forced to pay at least some portion of the 22½ per cent increase. There are certain people who are not good business people and whose applications may not arrive at the Housing Trust for some time, and they should be entitled to any increase from the same date as those landlords lodging earlier applications.

Mr. STOTT—The increase in rentals should apply from a definite date. The Premier's suggestion that the increase should date from one month after the date of the application does not overcome the objection of the Leader of the Opposition. Many applications will be lodged within one month of the Bill becoming law and the landlord whose application is lodged on say January 2 and approved immediately would collect the increased rent as from February 2, whereas the landlord whose application is lodged on the same day but is not approved until, say, December of next year would be entitled to collect arrears of the increase dating back to February 2, possibly embarrassing his tenant. In many cases the tenant will not wish to oppose the application of the landlord, and in those cases the application can be dealt with speedily, but the tenant should have the right to ask the Housing Trust to inspect the property before deciding on the amount of the increase. I suggest that progress be reported so that the member for Glenelg may have the opportunity to redraft his amendment to provide that all increases shall operate from the same date.

Mr. LAWN—I oppose the amendment. I am reminded by the discussion of vultures waiting to pounce upon their prey for their last pound of flesh. It seems that the landlords want to benefit from the provisions of the Bill immediately it becomes law.

Mr. Pattinson—Because it is a long overdue benefit.

Mr. LAWN—There are a lot of other long overdue benefits which the authorities do not recognize. Late last year the Commonwealth Arbitration Court, after nearly two years' investigation, granted an increase of 21s. in the basic wage in South Australia. There would be a terrific squeal from landlords if it had made its decision retrospective. This Parliament does not recognize retrospectivity

in workmen's compensation. Another important aspect is that rents play an important part in the compilation of the basic wage. The Commonwealth Statistician obtains his figures at a certain date in each month. Assuming that this Bill is assented to late in November, the Commonwealth Statistician will take his December figures on the basis of present rents, and the January, February, March and April figures will probably all be on the old rate for there will be thousands of applications which it will take the trust months to deal with. The tenant will obtain no retrospectivity in respect of his basic wage though he may have had to pay the increased rent for six months. If we give retrospective benefits to the landlord we should also give it to the tenant in his wages, but this Parliament has no authority to increase wages and there is no way in which it can co-operate with the Commonwealth Statistician. Some landlords have already obtained some portion of the 22½ per cent increase so it is not possible to accept the suggestions of Mr. Shannon and Mr. Stott.

The Hon. T. PLAYFORD—For a number of years rents have been dealt with in a way which has involved a certain lapse of time; assume, for the purposes of this argument, that it is one month. If, because of the alteration of the Act, a large number of applications are hung up for many months through no fault of the applicant, but merely because of the lack of machinery to deal with them, it would not be fair. Mr. Lawn would be the first to condemn an arbitration system which did not give its decision within a reasonable time. We should provide that the trust should give its determinations in a reasonable time. That is not retrospective legislation. I believe that the most difficult cases which the trust will have to deal with will probably be the first thousand, because it will be necessary to set up the machinery and establish a general level. Mr. Pattinson's amendment is reasonable provided it is amended slightly by inserting after "than" in line 6 the words "one month after." I may be able to ascertain during the tea adjournment the normal time taken to deal with an application and if so we might insert that period instead of one month. Then every case will be dealt with in the same way as they have been dealt with in the past, which is a reasonable compromise. I forecast that there will be pressure at some stage before the Bill becomes law to have the increase brought in automatically

and we should, therefore, provide a measure of justice which will be acceptable.

Sitting suspended from 6 till 7.30 p.m.

Mr. WHITTLE—It seems to me almost an apology to insert the whole of Mr. Pattinson's amendment. Obviously, the trust will not do anything which in its opinion is not just, and the amendment seems almost an incentive for it to carefully consider any application before applying the clause. The amendment should not contain the words "in any case in which it is of opinion that it is just so to do." I can imagine the consternation of a tenant if a landlord realized after two or three years that he was entitled to an increase in rent from December 31, 1951, the date from which the member for Onkaparinga suggests increases should apply. An increase of only 5s. a week might financially embarrass the tenant if it were retrospective for some years.

Mr. O'Halloran—There would be no back rent to pay if the landlord had not made an application.

Mr. WHITTLE—There would if the Act stated that increases shall apply from December 31. I am opposed to any specific date being stipulated. We should leave this matter in the hands of the Housing Trust.

Mr. SHANNON—I move—

To amend the amendment by striking out "may, in any case in which it is of opinion that it is just so to do," and inserting "shall" in lieu thereof, and by striking out "any date not earlier than" after "effect." Thus Mr. Pattinson's amendment would then read:—

Notwithstanding any of the foregoing provisions of this section, the trust shall fix as the date from which any determination of the trust shall take effect the day upon which the application was made to the trust for the determination of the rent.

Parliament should lay down a principle so that all applicants for a revision of rent will be treated alike.

Mr. O'Halloran—Irrespective of when they make application?

Mr. SHANNON—Any revision will take effect from the day upon which application is made, under my amendment.

Mr. O'HALLORAN—Prior to the tea adjournment the Premier hinted at a proposal that the date of operation of the adjustment of rent should be a month or six weeks after the date of application.

The Hon. T. Playford—No, I said the trust should have the right to make the adjustment retrospective to that extent, but not make it obligatory on the trust to do that.

Mr. O'HALLORAN—If the Premier's suggestion were adopted it would overcome to some extent my objection to the provision, because tenants would not be so financially embarrassed as the result of any delay by the Housing Trust, perhaps not due to any fault on its part, in dealing with applications from lessors.

The Hon. T. PLAYFORD—I think the best thing would be to accept Mr. Pattinson's amendment with the addition of "one month after" before "the day upon which." The Government would accept such a provision.

Mr. PATTINSON—It might be as well to refresh our minds on the provisions of the Act concerning rent determinations generally. Section 17 (3) states:—

After considering any objection the trust shall finally determine the rent of the premises. Section 18 provides that if there are no objections the amount provisionally determined by the trust shall become the final determination. My point is that section 18 provides that every such determination shall take effect from a date fixed by the trust and stated in the notice thereof. The decision as to when the determination shall operate is with the trust. No date is stipulated in the Act. After listening to the arguments of other members I think that my amendment is the most flexible and most in line with the provisions of the Act. I agree with the Premier and the Leader of the Opposition that if the new fixation were to operate from at least one month after the date of application it would be fair in the circumstances. If anything, it would still be slightly generous to the landlord because normally he could not get a determination finally made within one month after he lodged his application. The desires of members might be met by my amending my amendment by inserting "one month after" before "the day upon which." I think that would be a fair compromise. The amendment would then be substantially in line with the present law.

Mr. LAWN—The longer the discussion on this matter goes the more the proposals are against the interests of tenants. Mr. Shannon's proposal was thought to be satisfactory, but it was exploded by Mr. Whittle who pointed out the hardships which could be inflicted. Retrospectivity on this matter will react unfairly on the tenants. During the basic wage inquiry

landlords could argue satisfactorily against additional costs being incurred as the result of retrospectivity because their rents were pegged. In our industrial courts employers have successfully argued against retrospectivity in connection with wages increases because they are unable to recover the additional costs on goods already sold. If the amendment is carried most tenants will not be covered in basic wage increases because some months must elapse before the Commonwealth Statistician gets details of the actual rent increases. Applications for increases will be lodged by landlords immediately the Bill becomes law, but at least six months will elapse before they are finally dealt with. In that period the Commonwealth Statistician will get information about the rents being paid today, and the next basic wage increase will cover the increases in those rents, but there will be nothing to cover the rent increases which the trust will agree to in about June next year and which are made retrospective to December of this year.

Mr. Macgillivray—Don't you think about 75 per cent of the rent increases could be fixed by agreement between landlord and tenant, without all applications having to go to the trust?

Mr. LAWN—In a large number of cases it would be possible. At present if a landlord thinks he is entitled to a certain rent increase and the tenant does not agree to it they compromise and go to the trust to approve the increase agreed upon. Although the amendment says that the trust may agree to retrospectivity to one month after the date of application, the trust will accept it as an instruction.

Mr. Pattinson—When do rent increases begin under the present law?

Mr. LAWN—Now the trust gets only a few applications a week for rent increases, which it can deal with, but after the passage of this Bill there will be thousands of applications and six months must elapse before they are finally dealt with.

The Hon. T. PLAYFORD—If Mr. Lawn's argument were accepted—and I do not accept it—the proper thing to do would be to legislate for an immediate general increase in rents of 22½ per cent, so that there could be an immediate increase in the basic wage to cover the rent increase. If this were done the trust would not come into the picture at all. Parliament has decided, without any opposition, that the committee's recommendation as regards the level of rents should be accepted

as a just provision—that rents should be adjusted on the basis of a 22½ per cent increase on the corresponding rent level of 1939. The only question that arises now is when the Housing Trust's calculations should come into operation. The trust should have a certain discretion in the matter. Application could be made for a decrease and not an increase in rent. I admit Mr. Lawn's sincerity, but many people are not subject to the basic wage increases and landlords do not have any adjustment made on the "C" series index figures. Mr. Pattinson's amendment will mean substantial justice being done and I intend to support it.

Mr. STOTT—There is confused thinking on this matter and we should endeavour to do what is right for both parties. It is admitted that a tremendous number of applications will be received from people seeking the 22½ per cent increase. An application could be made on January 1 for an increase, but not be dealt with by the trust until September or November. After it has fixed the rent it could back-date it to February 1—one month after the application was lodged.

The Hon. S. W. Jeffries—The tenant could make provision for it and cannot be taken by surprise.

Mr. STOTT—There must be a number of cases where agreement has been reached between the tenant and landlord. The trust could fix a temporary rental until it makes its final determination. The tenant should be given the right of appeal against that.

The Hon. S. W. Jeffries—If a tenant has agreed to the rent fixed he must be satisfied with it. Landlords and tenants cannot agree on the amount of rent for dwellings today.

Mr. STOTT—Members want to allow 22½ per cent increase over the 1939 basis. The period in which applications are to be heard by the trust should be no longer than three months. Surely we can draft an amendment to meet the position equitably.

Mr. SHANNON—I am glad the Premier pointed out that some people do not enjoy the cost of living increases. It must be realized that determinations will be made by the Housing Trust at a speed above normal tempo, possibly within the first four weeks after applications are received. Therefore, some people will be paying increased rents within one month of applications having been lodged. According to what Mr. Lawn said, some people will be penalized by having to pay increased rents without receiving the advantage of an increased

wage because of the advance in the cost of living. On the other hand, certain people will have an advantage because their rent will not be increased so early as that of others. Mr. Lawn favours a graduated scale for all those who rent houses. Some would enjoy a considerable advantage by having to pay a lower rent than others and they would get an increased income because of an advance in the cost of living index figure resulting from higher rents generally. Members on this side suggest that it is fair that everyone who makes an application for increased rent, irrespective of the date of application, should, within one month, come under the new determination. Mr. Lawn's contention that the tenant will suffer under Mr. Pattinson's proposal is erroneous. In fact, it is possible he will get an increase in his wage because of the early determinations made by the trust, which will be known to those authorities who assess the cost of living.

The Hon. T. Playford—The Government Statist will know that this legislation has been passed.

Mr. SHANNON—And those who fix the basic wage will also know. I am prepared to put my faith in the trust. I have no doubt as to the honesty of its members, but where a discretionary power involves an actual financial transaction that may or may not favour some individuals, it appears to me to be wrong in principle and unnecessary. In the past things have happened in certain State departments where discretions have been improperly applied. I consider that the discretion proposed in this instance is not required. I should like the Committee to accept my amendment and then to accept Mr. Pattinson's proposal.

Mr. LAWN—The Premier said that if the Committee agreed to the 22½ per cent increase taking place at once I would be happy. Before tea I made my position clear on the matter. If the Premier can only attribute something to me which he knows is furthest from my thoughts it is a clear indication he has no reply to my comment. If the copy of the Act I have before me is up-to-date, then I am wondering if we know where we are heading. There is a provision in the Act that every determination of the trust shall take effect from a date not earlier than 14 days after it has given notice to the lessor and lessee. Mr. Pattinson's proposal is that the trust "may" make a determination not earlier than one month. It is not sensible to have two such provisions in the one Act.

Mr. Pattinson—One is an ordinary application, the other a special application for a special purpose.

Mr. LAWN—If that is so, I am satisfied on the point.

Mr. MACGILLIVRAY—I consider it wrong to centralize all this work in the Housing Trust, which already has a full-time job in building houses and dealing with rent disputes. Apparently it is intended to impose on it the duty of fixing the rent for practically every rented dwelling. We have been told that only the trust can make a determination on rent. All the argument about proper rent has been decided by the trust up to a given point, and the question in dispute now is what will be covered by the 22½ per cent increase proposed. I think it would be possible for the Housing Trust to issue a schedule showing how the proposed increase will affect all rents. This mathematical increase could then be estimated by each landlord and any tenant disagreeing with such estimate could appeal to the Housing Trust. This would mean that the trust would not need the extra staff to cope with the expected number of applications, as it is doubtful whether 25 per cent of the tenants or landlords would appeal against an increase arrived at in this way.

The Committee divided on Mr. Shannon's amendment to Mr. Pattinson's amendment—

Ayes (9).—Messrs. Brookman, Fletcher, Hawker, Lawn, Macgillivray, Quirke, Shannon (teller), Stott, and Whittle.

Noes (20).—Messrs. Clarke, Dunn, Dunnage, Goldney, and Heaslip, Hon. C. S. Hincks, Mr. Hutchens, Hons. S. W. Jeffries, and Sir George Jenkins, Mr. McAlees, Hon. M. McIntosh, Messrs. McLachlan, O'Halloran, and Pattinson (teller), Hon. T. Playford, Messrs. Riches, Tapping, Teusner, Frank Walsh, and Fred Walsh.

Majority of 11 for the Noes.

Mr. Shannon's amendment thus negatived.

Mr. PATTINSON—I ask leave to amend my amendment by adding after "than" the words "one month after."

Leave granted; amendment so amended.

Mr. STOTT—Mr. Shannon's amendment having been negatived, there will be a complete raffle and the first landlord who is successful in getting a determination will be able to collect the 22½ per cent increase a month after his application is lodged, whereas the landlord not so lucky in the draw because his application form is not on the top may

have to wait nine months, and the Housing Trust may grant his application from, say, October, although it was made in January.

Mr. Pattinson—The words "shall take effect any date not earlier than one month after the day upon which the application is made" will apply to the application dealt with first as well as that dealt with later.

Mr. STOTT—I accept that legal interpretation, but I was under the impression that in providing for "any date" the trust could do what I said it could.

The Committee divided on Mr. Pattinson's amendment as amended—

Ayes (22).—Messrs. Brookman, Clarke, Dunn, Dunnage, Goldney, Hawker, and Heaslip, Hon. C. S. Hincks, Mr. Hutchens, Hons. S. W. Jeffries and Sir George Jenkins, Mr. McAlees, Hon. M. McIntosh, Messrs. McLachlan, O'Halloran, and Pattinson (teller), Hon. T. Playford, Messrs. Tapping, Teusner, Frank Walsh, Fred Walsh, and Whittle.

Noes (5).—Messrs. Fletcher, Lawn (teller), Macgillivray, Quirke, and Stott.

Majority of 17 for the Ayes.

Amendment as amended thus agreed to; clause as amended passed.

Clause 13—"Grounds for giving notice to quit"—reconsidered.

The Hon. T. PLAYFORD—I move to insert after paragraph (b) the following paragraph:—

(b1) by striking out the words "are reasonably required for the personal occupation in consequence of that employment of some other person employed by, or about to become employed by, the lessor" in paragraph (b) of subsection (5) thereof and by inserting in lieu thereof the words "and that person has ceased to be employed by the lessor";

Parliament provided as a ground for gaining possession of premises that they were provided by the employer for the occupation of an employee. The interpretation being put upon this provision is that the employer cannot gain possession of those premises when an employee ceases to be an employee until the new employee is virtually on the doorstep, and that was never the intention of the Legislature. A number of migrants were brought to Australia and given houses because they were going to work on an industry important to the economy of the State, but after they had been here a short time they vacated this work for which they had been given priority in housing, but under

the interpretation I have mentioned the premises could not be secured for the new tenants until they were actually on the doorstep. As the provision of a house is often an attraction to employees the employer should have the right to put a new employee in when another ceases his employment.

Mr. STOTT—I am pleased that the Premier has introduced this amendment, for a case came under my notice quite recently where an employee ceased to be an employee and the employer had the greatest difficulty in getting him out of the premises notwithstanding that he needed them for another employee to enable shearing to be completed. The amendment should be supported.

New paragraph inserted; clause as amended passed.

Bill read a third time and passed.

BUILDING MATERIALS ACT AMENDMENT BILL.

Returned from the Legislative Council with amendments.

SUPERANNUATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 27. Page 719.)

Mr. O'HALLORAN (Frome—Leader of the Opposition)—This Bill provides for increases in contributions and pensions and, in addition, removes a number of anomalies. It is more comprehensive than previous attempts by the Government to patch up the Act, but it still represents only a rough and ready means of bringing superannuation pensions somewhere near a realistic level. The Superannuation Board is to be given wider powers than it possesses now, and this is as it should be. Hitherto the Act has been too inelastic and the board has been prevented from solving a number of problems which inevitably arise in the administration of the fund. However, it may be too much to give the board powers to make decisions of the same validity as if the matters concerned had been provided for in the Act, although the powers are to be confined to matters arising out of changes provided for in this Bill. Clause 5 will enable members of the Government services to apply for additional units which they had been entitled to take up in the past, but did not. However, the Premier did not make it clear why the board should have the right to refuse such applications. What will the board con-

sider to be a just cause for giving a member permission to take up such additional units? It would be quite reasonable, of course, for the board to determine the terms and conditions upon which they may be taken up, but not whether they may be taken up or not.

Clause 6 sets out the method to be adopted in determining the new rate of contributions for units where a member elects to increase the value of his units. If a member elects not to increase the value of any of his units of pension he will, of course, contribute at the existing rate, and the value of each unit will remain at £32 10s. Such a contributor will not derive any benefit at all from the provisions of the Bill. If, on the other hand, a contributor elects to increase the value of all his units, his contributions from December 1 until his retirement will be 20 per cent higher than they are now, and his pension will also be 20 per cent higher than under existing provisions. In such a case all pension units will be increased in value from £32 10s. to £39. This rough and ready adjustment of contributions naturally involves the anomaly that contributors who are due to retire within the next two or three years will derive a considerable advantage, whereas those who are comparatively young will pay at the higher rate for many years. In other words, the Government will be providing a very high percentage of the pensions payable to some and a relatively low percentage of the pensions payable to others.

Those who elect to increase the value of some of their units are to do so at a rate of contribution determined by the average of their present contributions. Twenty per cent of the average contribution will be added to the contributions for the units which the contributor desires to increase in value, and the contributions for the other units not increased in value will remain the same as they are now. I understand that the purpose of applying the average rule is to simplify the conversion and to prevent a contributor from deriving any advantage by electing not to increase the value of units for which his present contributions are relatively high. A contributor who does not wish to increase the value of all his units will not be able to derive any advantage by selecting the units which are to be increased or left as they are. There will be a great variety of average pension contributions and pension units under this scheme, and it might have been better if the Government had decided to prescribe that all units in future were to be £39 instead of some

at £32 10s. and some at £39. Instead of being offered the choice of increasing the value of all units or increasing some and leaving others as they are, or leaving them all as they are, contributors should have been given the opportunity to reduce the number of their units and still derive some advantage from the provisions of the Bill. Under such a scheme all units of pension could have been converted to £39, and once the conversion had been achieved, no further difficulties would have been encountered.

Clause 9 removes the anomaly created when the Public Service Act was amended last year to provide for the commencement of superannuation pensions at age of retirement. In view of the fact that some attempt has been made to place the whole question of superannuation on a sounder basis, at least from the point of view of administration, it might be opportune to consider an amendment to remove an injustice done in cases where former contributors marry after retirement. At present the widows of such pensioners are not entitled to any pension at all. Justice could be done in these cases by applying the discrepancy rule which is applied to cases of second marriages of contributors. Another suggestion I should like to make is that the Act itself should be consolidated. There have been so many amendments in recent years that it is difficult to follow the Act as it is now annotated. The acute period of inflation through which we are passing has drawn attention to the inadequacies of the Superannuation Act, and this Bill merely represents stop-gap legislation which has become characteristic of the Government. The true solution of the difficulty which the Bill seeks to overcome in its imperfect way lies in the direction of providing for a sliding scale of Government contributions to superannuation pensions which would adjust pensions payable at any given time to the general price level. Under this Bill, unless some future Government is compelled to repudiate the contract which it now provides for, inflated pensions will continue to be payable in times of recession; while if the inflationary spiral continues, it will not be long before a further amendment of the Act becomes necessary. However, the Bill provides for increased benefits and in some measure will relieve the hardship now suffered by superannuation pensioners and for that reason I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 11 passed.

Clause 12—"Pension to widow and children of pensioner."

Mr. O'HALLORAN—I move—

To insert after "ten" at the end of paragraph (b) "and

(c) by striking out the words 'pension shall not, upon the death of the pensioner, be payable to the widow or in respect of the children of that marriage: Provided also that if' in the same subsection and inserting in lieu thereof the words 'and leaves a widow or where'."

This seeks to amend the provision in the principal Act that a pension shall not be payable to the widow of a pensioner who marries after he became a pensioner. I was in Parliament when the provision was enacted in about 1926. It was accepted because of the fear that some aged pensioners might become the prey of mercenary younger women who would marry them because of the pension benefits to be derived after their death. We have progressed a long way since then and I do not think there is the same fear now. I have had about three cases brought under my notice where pensioners have married, some for the second time and in one case for the first time, after becoming pensioners, and in each case the women married were about their own age. In at least one case the second wife predeceased the pensioner, so in that case there was no obligation on the fund. These old folk marry because they want someone to care for them and to provide companionship in the last years of their lives. As the Government would have to provide most of the contribution towards this type of pension the Government would perhaps lose in one direction but gain in another direction because many of the old folk who would benefit from the pension would in the absence of something of this nature become charges on the Government as inmates of a Government institution. A small amount of money will be involved if the amendment is carried, and we will be doing justice to a small but deserving number of members of our community.

The Hon. T. PLAYFORD—I oppose the amendment. The effect of the amendment would be that widows' pensions would be payable to widows of pensioners in cases where the pensioner married after his retirement. The Act at present does not provide for pensions for widows of pensioners who married after retirement. The Public Actuary has reported to me as follows:—

(a) That no other Government superannuation fund in Australia provides pensions in such cases.

(b) The proposal involves a substantial additional liability which, however, is difficult to calculate.

(c) It would involve additional expenditure by the Government which would have to bear the full cost of all widows of existing pensioners who married after retirement.

(d) It would involve an increase of members' contributions to provide for widows of future pensioners.

He also reported that no other Government superannuation scheme nor employees' pension scheme contains a provision of this description. Only one case has come under my notice for examination. It concerned a public servant who married after his retirement. It was found that he had contributed £567 to the fund, but drew from it £3,749, which was about a 700 per cent investment. Money available to the State is determined in these matters, in comparison with expenditures of other States, particularly Victoria, Queensland and New South Wales. It is true that Victoria has provided a

£39 pension unit. New South Wales has not provided a £39 unit nor has it made any increase, and there is no superannuation fund in Queensland. South Australia has gone to extremely high limits compared with other States. I believe that the Commonwealth is providing a £39 unit and South Australia is doing the same. The Bill is generous. No other Government in Australia has a provision similar to that suggested by the Leader of the Opposition and I ask the committee not to accept it.

Amendment negatived; clause passed.

Remaining clauses (13 to 17) and title passed.

Bill read a third time and passed.

ADJOURNMENT.

At 9.28 p.m. the House adjourned until Thursday, November 15, at 2 p.m.